

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PRINCE RODGERS,

Plaintiff,

- against -

**OFFICER JOHN DOE #1,
OFFICER JOHN DOE #2,
MACK CARTER, WHITE PLAINS POLICE
DEPT., CITY OF WHITE PLAINS, COUNTY
OF WESTCHESTER, K. SMALLS,
LAVALLE LARRIER, OFFICER SUAREZ,
OFFICER TASSONE,**

Defendants.

09 CV 1137 (HB)

ORDER

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/18/09

Hon. HAROLD BAER, JR., District Judge:

WHEREAS *pro se* Plaintiff Prince Rodgers (“Rodgers” or “Plaintiff”) filed a Complaint in the above-referenced action on February 9, 2009; and

WHEREAS on September 3, 2009, Defendant Mack Carter filed a motion to dismiss pursuant to Rule 12(b)(6) (the “September 3 Motion”); and

WHEREAS on September 10, 2009, at a Pretrial Conference, this Court extended Plaintiff’s time to respond and ordered him to submit opposition papers to the September 3 motion by September 30; and

WHEREAS Plaintiff failed to file opposition papers by September 30; and

WHEREAS on October 16, 2009, Defendant County of Westchester filed a motion to dismiss pursuant to Rule 12(b)(6) (the “October 16 Motion”); and

WHEREAS on October 22, 2009, at a second Pretrial Conference, Plaintiff failed to attend in person as required, instead appeared by phone, and was again granted an extension of 20 days to file a response to the still-pending September 3 Motion, as well as the October 16 Motion; and

WHEREAS on November 3, 2009, at a third Pretrial Conference, Plaintiff again failed to attend in person as required, instead appeared by phone, and was again reminded to respond to the September 3 and October 16 Motions; and

WHEREAS to date Plaintiff has failed to respond to either motion or make any effort to indicate a desire to continue this claim; and


WHEREAS Plaintiff has apparently failed to notify this Court of a change in address, based on a letter returned to this court by the United States Post Office for an inability to deliver; and

WHEREAS in addition to all of the above, Plaintiff has failed to serve two parties named in his complaint, Officer Suarez and the City of White Plains, and to date has failed to make any effort to serve these parties despite repeated express requests to do so, ample additional extensions of time, and even assistance offered by the Westchester County District Attorney's Office to do so; it is hereby

ORDERED that Plaintiff's Complaint is dismissed against all Defendants. The Clerk of this Court is instructed to close the pending motions (Docket No. 10 and No. 13), close this case, and remove it from my docket.

SO ORDERED.

New York, New York
December 17, 2009



HAROLD BAER, JR.
United States District Judge